

California Rehabilitation Oversight Board Minutes July 14, 2010 Meeting

The California Rehabilitation Oversight Board (C-ROB) met in open session on July 14, 2010, at the California State University, Alumni Center, 6024 State University Drive South, Sacramento, California.

Board members: Present at the meeting was David Shaw, Inspector General (Chairman); Matt Cate, Secretary, Department of Corrections and Rehabilitation (CDCR); Debra Jones, Administrator, Adult Education Programs (Designee for Superintendent of Public Instruction); Barry Russell, Vice Chancellor of Academic Affairs, California Community Colleges (Designee for Jack Scott, Chancellor, California Community Colleges); Renée Zito, Director, State Department of Alcohol and Drug Programs; Stephen Mayberg, Director, Department of Mental Health; Bruce Bikle, Professor, California State University, Sacramento (Chancellor of California State University appointee); Gary Stanton, Sheriff, Solano County (Governor appointee); and Wendy S. Still, Chief Adult Probation Officer for the City and County of San Francisco (Senate Committee on Rules appointee). Absent from the meeting was Susan Turner, Professor, University of California, Irvine (President of the University of California appointee) and William Arroyo, Regional Medical Director, Los Angeles County Department of Mental Health (Speaker of the Assembly appointee).

Office of the Inspector General staff: Barbara Sheldon, Chief Counsel; Laura Hill, C-ROB Executive Director; Ann Bordenkircher, C-ROB Secretary, and Jackson Herndon, Analyst.

CDCR Presenters: Scott Kernan, Undersecretary; Michele Minor, Chief Deputy Secretary (A); Cynthia Florez-DeLyon, Director, Division of Adult Rehabilitative Programs; Richard Subia, Deputy Director, Division of Adult Institutions; Ross Meier, Chief, Population Management Division; Glen Brooking, Superintendent of Education; and Rick Winistorfer, Associate Director, Division of Adult Parole Operations.

Public Comments: Susan Lawrence, M.D., Executive Director, The Catalyst Foundation; Darrell Lind, Director of Clinical Services, The Catalyst Foundation; Hugo Machuca; Tommy Lee Wickerd II; Alia Hartman; Marion House; David Warren, Lobbyist, Taxpayers for Improving Public Safety (TiPS); Steven Bowen, Institutional Teacher; Tom Stroud, Institutional Teacher; Cindy Greer, Institutional Teacher; Gary Pannett, Institutional Teacher.

Item 1. Call to Order.

Chairman Shaw called the meeting to order at 9:35 a.m.

Item 2. Introductions and Establish Quorum.

Board members introduced themselves to the audience at the request of the Chairman, and the Chairman noted a quorum was present.

Chairman Shaw welcomed the board's newest member, Wendy S. Still, Chief Adult Probation Officer for the City and County of San Francisco and administered the required Oath of Office.

Item 3. Review Agenda.

Chairman Shaw stated the purpose of the meeting was to hear from CDCR on the progress it had made in rehabilitative programming and to respond to specific items that board members had requested at the March 3, 2010 meeting.

Item 4. Review and Approval of the March 3, 2010 Minutes.

Upon motion made and duly seconded, the minutes of the March 3, 2010 C-ROB meeting were approved.

Item 5. California Department of Corrections and Rehabilitation Updates.

Scott Kernan, Undersecretary, made opening remarks to put into context some of the difficulties the department is undergoing while working within the State budget crisis. The Undersecretary stated the department is reinventing itself while faced with furloughs, hiring and travel freezes, and other cuts that have impacted the department's progress. Mr. Kernan said that the Secretary wants staff to focus on smart programming and to use the available money efficiently. He closed by stating that the department hopes to continue making progress but said the expectations of the board and others may have to be tempered during these difficult times.

Cynthia Florez-DeLyon, Director, Division of Adult Rehabilitative Programs, stated the department has made significant strides despite the challenges and reductions. Ms. Florez-DeLyon reminded the board that the department's adult programs budget was reduced by \$250 million and had to identify program and position cuts. Headquarter staffing reductions of 61 percent also caused the loss of subject matter expertise that was working on developing new education models. With the passage of SB X3 18 in January, the department had to retrace its steps to ensure it met the milestone credits for inmate credit earnings.

Ms. Florez-DeLyon presented a PowerPoint® to cover budget, implementation of the new program models, and the California Logic Model updates. She said that in fiscal year 09/10, the CDCR budget included a \$1.2 billion dollar unallocated cut. The \$250 million cut to adult programs allowed the department to develop a streamlined rehabilitation model that maintains a focus on community and prison safety. Several programs were covered in the presentation:

In-Prison Substance Abuse Programs. Currently 13 in-prison substance abuse programs are fully operational as a 90-day model offered closer to the parole date. The estimated capacity prior to budget reductions was 12,200 inmates that could cycle through these programs, but that number is currently reduced to 8,500 capacity on an annual basis. Aftercare capacity is 4,900. Staff have been training in the Addiction Severity Index along with Thinking For A Change in the female in-prison substance abuse programs.

Education Programs. Despite fiscal reductions, the department continues to provide academic programming, but is using alternative delivery methods. The department adjusted the inmate-to-teacher ratio (54:1), and added literacy coordinators at each prison thereby reducing the number of teaching assistants.

Vocational Programs. Programs retained are industry certified and market driven, based on Employment Development Department data, and must be completed in 12 months. Fifteen vocational programs serve 9,300 inmates.

Volunteer Programs and Community Partnerships. The allocation for sponsor funding has increased by 50 percent. The department is reconvening a volunteer task force to assist in critical policy areas, determine volunteer capacity, lessen past barriers, and streamline policies that will increase volunteer access to inmates. The department is nearing completion of a volunteer inventory list as well as a review of capacity for expansion within the prisons, anticipated to be available the first part of August. A much needed community resource directory will soon be on-line and available to parolees.

Board members asked questions related to capacity of educational and vocational programs, tracking comparisons of literacy advances between the old and new models, and the number of students being served by the various models.

Michele Minor, Chief Deputy Secretary (A), Adult Programs, advised the board on the status of the California Logic Model. She said the department has made good advances in risk assessments, with 85% of inmates and 95% of parolees having a CSRA¹ score. Ms. Minor explained that the CSRA assists in facilitating assignments into programming and other areas of assistance and service. Additionally, since 2007, almost 60,000 COMPAS² assessments have been completed. Ms. Minor indicated the department continues to have discussions and work on development of the case management plan but stated that progress is dependent upon the budget situation.

Ms. Minor stated that all 13 substance abuse programs have new contracts in effect. The Lifer Mentor Certification program was implemented at Valley State Prison for Women. While California State Prison, Solano was providing Anger Management and Thinking For A Change, the contract has expired. The department is hopeful of having approval to renew the contract in the near future.

Ms. Minor advised that CDCR's Adult Programs established a reentry team that is in the early stages of creating a program model for the reentry facility. The department also had 118 inmates at Folsom participate in a transition pilot program entitled California New Start. Ms. Minor stated there is a plan to expand this program to three additional facilities (Solano, R.J. Donovan and Valley State Prison for Women).

Ms. Minor touched on the One Stop Career Centers, which provide employment to parolees. Federal WIA funds decreased from \$8.3 million to \$3.3 million in fiscal year 09/10, and the new WIA allocation in the 10/11 budget was decreased to \$6.1 million.

Chief Deputy Minor said that CDCR's Fidelity Unit has established assessment tools to monitor and track implementation of the new education models. However, with the current travel restrictions, there are constraints to on-site reviews. She indicated staff is working from headquarters and key performance indicators have been established for the new models.

¹ California Static Risk Assessment.

² Correctional Offender Management Profiling for Alternative Sanctions risk assessment

Glenn Brooking, Superintendent, Office of Correctional Education, responded to board questions on the implementation of educational models as well as the number of attendees in each model. Superintendent Brooking explained that the department has a four-phase implementation timeline. During the first three phases, the department implemented the programs. He said that the institution principals were given the opportunity to submit justifications to adjust the number/types of models/sections based on population changes and needs. Superintendent Brooking said the institutions report on the number of students and thought data could be provided by the next C-ROB meeting.

The board asked questions of the panelists on the lengthy case management planning, challenges of COMPAS assessments, and key performance indicators.

Public comment:

Susan Lawrence, M.D., the Catalyst Foundation stated she is extremely impressed with the progress CDCR is making in implementing rehabilitation in this tough economic climate. While pleased to hear about all the programs that are being planned, she hopes that as part of the evaluation process there is going to be a mechanism by which inmate feedback on the effectiveness of the programs is included.

David Warren, Taxpayers for Public Safety, stated the majority of CDCR's Community Resource Managers (CRM) lack knowledge as to the availability of community faith-based organizations, even though the CRM may be a devout individual in their own faith. Mr. Warren also expressed concerns over the number of days and frequency a student is actually in a classroom setting, lack of adequate drug programming, and the gap left by CCIs and IIs who can't wait to find another position.

Steve Bowen, teacher at Mule Creek State Prison and SEIU member, stated that teachers are not being informed as to how the new models are working. Mr. Bowen indicated that it takes about 4 hours out of a 6 ½ hour instructional day to do statistical work. He is in hopes that the new systems will reduce the amount of paperwork believing that teachers should only be involved in taking the attendance information. Mr. Bowen said the teachers want to be part of the solution but are being excluded from any participation in the development of databases.

Tom Stroud, teacher at Calipatria State Prison, expressed concern that while the new models give education to a larger group of people, the quality of education may be lacking. Mr. Stroud said that teachers statewide have relayed to him various problems not addressed by the department in today's presentation. Those problems include shortages of books in the classroom; the achievement test, which measures student progress and may have to be given over five weeks due to attendance issues; and that some institutional teachers have to go out and recruit students just to fill up a class. He stated that nobody wants a good education in the prison system more than the teachers who conduct the classes.

Cindy Greer, teacher at Valley State Prison for Women, advised the board that the increases in attendance, report cards, write-ups, discipline problems, turnovers, and the completion of permanent class records all take away from instructional time. She said there the teacher is no longer able to spend in-depth time with the students. She is concerned when she hears the department tell the board they do not have specific numbers available as the teachers submit numbers weekly to the department.

Gary Pannett, vocational instructor at Corcoran, stated that he is seeing teachers working harder than ever to make the new models successful. However, he states that the teachers are not being asked

their thoughts on improvement to the models. Mr. Pannett advised the board that many teachers are challenged by having to work with printing equipment that is falling apart.

Secretary Cate took a moment to thank the SEIU, teachers, and the public who willingly came forward to talk about the new models. The Secretary stated the models got better due to Labor's input and the models continue to be a work in progress. He said the department was able to add 63 additional teachers rather than rely on teacher assistants in the classroom.

Item 6. California Department of Corrections and Rehabilitation Presentation.

Richard Subia, Deputy Director, Division of Adult Institutions, spoke to the classification process, which provides a safe and secure environment at institutions for staff and the inmate population. Mr. Subia advised that population admission is approximately 155,000 male offenders; 10,000 female offenders; and 8,900 inmates in out-of-state facilities. Reductions from previous numbers can be attributed to return to custody inmates; inmates pending revocation status; and 1,600 inmates in the department's Los Angeles Pitchess facility, which were previously counted. Currently, the department receives monthly about 8,900 male inmates and 971 females. Mr. Subia indicated there are approximately 1,900 parolees in Los Angeles County waiting for delivery to CDCR.

Ross Meier, Chief, Population Management Unit, also addressed the classification process. Mr. Meier said that the process is applied uniformly, commencing at the reception center where inmates are analyzed and given a classification score. The inmates are reevaluated annually to adjust the score, if needed, and then moved appropriately. He said the inmate's placement score is a major factor when housing an inmate as is the custody level, medical, or mental health needs. Consideration is also given to the inmate's potential for misbehavior. Mr. Meier spent a short time discussing various custody levels. He said that on occasion, an institution's mission will change due to increase or decrease in population, so a facility may have to be converted, for example, from a Level III to a Level IV.

Mr. Meier also addressed the department's lack of reception center and Level IV beds, while at the same time having excess space in minimum support facilities. He said the department is constantly monitoring the changing population and converting space wherever possible.

Mr. Subia interjected some thoughts on the Special Needs Yards and special programming yards such as the Honor Yard at LAC, and the San Quentin State Prison college program.

Board members asked questions of the panel relating to the criteria for out-of-state inmates, including the eventual return of an inmate to California and the educational and vocational models used in the out-of-state facilities.

Rick Winistorfer, Associate Director, Division of Adult Parole Operations stated that the Parole Division was being revamped and restructured, and the board suggested moving the Parole Division presentation to the September 8, 2010 C-ROB meeting. Mr. Winistorfer presented a quick overview on the residential service program, multi-service center program, and the community-based coalition and day reporting centers.

Public comment:

Darrell Lind, Director of Clinical Services, The Catalyst Foundation, thanked Secretary Cate for making the Honor Yard at LAC a reality. While encouraged by hearing about other programs being implemented at CRC and San Quentin, he is saddened that two-thirds of the inmates arriving at reception centers are returned to custody. He stated that we are failing as a people, a state, and an institution. He said we have to do better.

Hugo Machuca is pleased to see the Honor program being implemented but is concerned at the low number of inmates on that Yard. He expressed concern over the new prison gangs that are preying on the Special Needs Yard population and would like to see the department find a remedy for that.

David Warren, Taxpayers for Improving Public Safety, states his greatest concern currently is that female offenders housed in CIW are transferred to CCWF as they age, develop dementia or Alzheimer's, or even develop an inability to ambulate, and in doing so, lose their entire infrastructure and have no one to help them. It becomes a detriment to healthcare services, to the inmate, and to the correctional staff. Mr. Warren also commented on male health, and those with chronic healthcare needs, which is being ignored in transportation and transfers.

Marion House brought newspaper articles and other items indicating the success of inmates in the Honor Program at LAC. Ms. House also displayed various awards and pictures that reflect pride, self-worth, and self-accomplishment in the men who were honored. She thanked the board and the department for listening when people spoke on the value of the Honor Program and hopes to see the program opened up to more facilities.

Item 7. Future Board Meeting Schedule.

Executive Director Laura Hill asked to move the September 1 board meeting to September 8 due to the tight timelines for the next C-ROB report. A majority of board members indicated availability, so the meeting was moved to the afternoon of September 8, with the location to be determined.

Item 8. Future Agenda Items.

The September 15 Biannual Report will be voted upon at the September 8 meeting and CDCR's Parole Division will give a presentation at that meeting as well. Board members were encouraged to submit future agenda items to the Executive Director.

Item 9. Public Comment.

David Warren, Taxpayers for Improving Public Safety, requested that lifer inmates' information be placed on the next agenda with data provided by Board of Parole Hearings as to the number of lifer inmates actually granted parole and released with comparison data from CDCR on the number of individuals who have recidivated or died during that same period.

Susan Lawrence, M.D., the Catalyst Foundation, thanked the board and department staff for their roles in enabling the Honor Program to be implemented. She stated that the operational procedures appear to be in place, and the flow of unqualified prisoners from Administrative Segregation has been stopped.

Hugo Machuca said the Honor Program is a proven program that saves the department money. He believes that CDCR should evaluate the Special Needs Yards, which harbors gang members, and allow some of the inmates housed there to become part of the Honor Program.

Tommy Wickerd, II thanked the board and department staff for re-implementing the Honor Yard programming, where participants learn to work hard, learn to get along, become educated, and excel. He encouraged CDCR to continue backing the program.

Alia Hartman reminded the board that the people inside the prisons are fathers and mothers, sons and daughters, brothers and sisters, and most of all, human beings connected to people out in society. She said that what happens inside the prison has direct and profound consequences on the outside. Ms. Hartman urged CDCR staff to stay focused on prison reform, making the system a safer, better, and more productive place.

David Warren said he recently toured four prisons looking at faith-based activities and inmate interaction with correctional staff. He states that departmental decisions directly affects correctional officers and inmates evidenced by the state of low morale and high stress among CDCR staff, caused partly by cutbacks in rehabilitative programming and threats of minimum wage. He encouraged the department to advise the Legislature of these conditions.

Marion House is pleased for board and CDCR support with regard to the Honor Program at LAC, which appears to be moving forward with self-help groups and other programs run by CDCR staff and volunteers. She implored CDCR to implement the Honor Program in other prisons so when these inmates are transferred, so they can continue in the program.

Item 10. Adjournment.

There being no further business, the meeting was adjourned at 12:08 p.m.

C-ROB Secretary

Dated

(These Minutes are posted on the web at www.oig.ca.gov.)